

**Before the Hearings Panels  
At Greater Wellington Regional Council**

**Under** Schedule 1 of the Resource Management Act 1991

**In the matter of** Proposed Change 1 to the Regional Policy Statement for the Wellington Region

**Hearing Topic** Overview and General Submissions

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**Statement of evidence of Michael David Rachlin on behalf of Porirua City  
Council (Planning)**

**Date: 13<sup>th</sup> June 2023**

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## **INTRODUCTION:**

- 1 My full name is Michael David Rachlin. I am employed as a Principal Policy Planner by Porirua City Council (“PCC”).
- 2 I have prepared this statement of evidence on behalf of PCC to provide planning evidence in support of its submission to Greater Wellington Regional Council’s (“the Council”) Proposed Change 1 (“Change 1”) to the Regional Policy Statement for the Wellington Region (“RPS”).
- 3 Specifically, this statement of evidence relates to the matters in Hearing Stream 1, General submissions.
- 4 I am authorised to provide this evidence on behalf of PCC. While I am an employee of PCC, I am giving this evidence as a planning expert, and the views I express in this evidence are my own.

## **QUALIFICATIONS AND EXPERIENCE**

- 5 I hold the qualifications of Bachelor of Arts (Honours) in Town and Country Planning from the University of Manchester, United Kingdom (“UK”), Bachelor of Planning (with Credit) from the University of Manchester (UK), and a Master of Science in Environmental Impact Assessment and Management from Oxford Brookes University (UK).
- 6 I have worked for PCC as a Principal Policy Planner since 2017. I was involved in the preparation of the 2020 Porirua Proposed District Plan (“PDP”) and the 2022 Variation 1 to the PDP. The purpose of Variation 1 was to meet the requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 (“RMA-EHS”) amendments to the Resource Management Act 1991 (“RMA”) and the National Policy Statement on Urban Development 2020 (“NPS-UD”).
- 7 I authored the 2022 Section 32 Evaluation Reports for Part B: Urban Intensification – MDRS and NPS-UD Policy 3 and co-authored the 2022

Section 32 Evaluation Report - Part A: Overview to s32 Evaluation for Variation 1 and Plan Change 19. I prepared the RESZ – General Objectives and Policies for all Residential Zones, HRZ-High Density Residential Zones, MRZ-Medium Density Residential Zone chapters, and amendments to the Commercial and Mixed Use Zones<sup>1</sup>, and General Industrial Zone chapters.

8 I also authored the 2020 Section 32 Evaluation Reports for Residential Zones, Contaminated Land, Hazardous Substances, Temporary Activity, as well as the 2020 PDP chapters themselves.

9 In Appendix A I set out my qualifications and experience. This includes the period from 2008 to 2015, where I was employed by the Canterbury Regional Council in their District Plans Liaison team to work primarily with the Greater Christchurch territorial authorities<sup>2</sup> to implement the first and second generation Canterbury Regional Policy Statements.

10 I am a member of the UK's Royal Town Planning Institute and have been since 1991.

#### **Code of conduct**

11 I have read the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence. My qualifications as an expert are set out above. Except where I state I rely on the evidence of another person, I confirm that the issues addressed in this statement of evidence are within my area of expertise, and I have not omitted to consider

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<sup>1</sup> Metropolitan Centre Zone, Large Format Retail Zone, Local Centre Zone, Neighbourhood Centre Zone, and Mixed Use Zone

<sup>2</sup> Christchurch City Council, Selwyn District Council, and Waimakariri District Council

material facts known to me that might alter or detract from my expressed opinions.

## **SCOPE OF EVIDENCE**

12 My statement of evidence addresses the following matters:

- Overarching commentary on Change 1;
- The structuring of objectives and whether a hierarchy is intended;
- The implementation of the NPS-UD;
- A lack of guidance on implementing new requirements introduced by Change 1;
- 2025 implementation requirements for Policies CC.2, CC.3, Policy 23, and Policy 24; and
- S42A recommendations.

13 In preparing my evidence, I have reviewed the s42A reports<sup>3</sup>, s32 evaluation, and associated technical reports for Change 1. I note that no other evidence has been provided by the Council over and above the s42A reports.

## **SUMMARY**

14 PCC's submission raised a number of general overarching concerns with Change 1. I agree with these and summarise them as follows:

14.1 the way that Change 1 provisions have been drafted and structured,

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<sup>3</sup> Section 42A Hearing Report Hearing Stream 1 Topic: S42A Overview Report and Section 42A Hearing Report Hearing Stream 1 Topic: General Submissions

- 14.2 the negative framing of urban development,
- 14.3 that some outcomes sought are not capable of being achieved by way of the RMA and/or fail to appropriately recognise that other statutes and tools will deliver the outcomes, without recognition of this in the Change 1 framework,
- 14.4 the introduction of requirements such as whole of life carbon emission assessments with little or no explanation or guidance for their implementation, where they are unfamiliar in resource management field, and
- 14.5 an overall lack of clarity and coherency in the framework of objectives and policies.

15 I consider that collectively, the provisions lack sufficient clarity to enable them to be efficiently and effectively implemented in lower order regulatory frameworks, namely district and regional plans. The provisions should not require high levels of interpretation otherwise, in my experience, there is a risk of inconsistent implementation across the region.

16 In my opinion, a key role for the RPS is to articulate important matters such as nature-based solutions and climate change adaptation with a regional focus, and in a way that enables these issues to be addressed through the RMA regulatory framework (i.e. Regional and District Plans as well as the RPS), and using other levers such as the Regional Land Transport Plan. This includes turning these concepts into tangible and clearly defined actions in a way that enables them to be readily incorporated in an integrated manner in lower order district and regional plans. I do not consider that Change 1 has achieved this.

17 I acknowledge the intention is to address the individual provisions on a topic basis in subsequent hearings, but I also consider it important that

this approach remains cognisant of the need to ensure a coherent Change 1 framework.

- 18 To illustrate the concerns I identify above, I have set out two objectives and two associated policies, as notified, for commentary. I understand that PCC intends to address these more fully in the relevant hearing streams.

**Objective CC.1:**

*By 2050, the Wellington Region is a low-emission and climate-resilient region, where climate change mitigation and adaptation are an integral part of:*

*(a) sustainable air, land, freshwater, and coastal management,*

*(b) well-functioning urban environments and rural areas, and*

*(c) well-planned infrastructure.*

**Policy CC.4**

*District and regional plans shall include policies, rules and/or methods to provide for climate-resilient urban areas by providing for actions and initiatives described in Policy CC.14 which support delivering the characteristics and qualities of well-functioning urban environments.*

- 19 The submission from PCC commented that Objective CC.1 was not achievable within the scope of an RPS or the RMA framework, particularly since territorial authorities are unable to require existing use or development to change and can only manage new subdivision, use and development. The submission<sup>4</sup> also considered that definitions were needed for, “low-emission” and “climate-resilient”. I agree with these concerns and would note the following in relation to the ability to

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<sup>4</sup> In relation to Policy CC.4

implement Objective CC.1 and associated Policy CC.4 efficiently and effectively:

- PCC is not able to require “retrofitting” of existing urban areas to achieve Objective CC.1 through its district plan. As such, I cannot see how the outcome will be achieved, solely by resource management plans when large areas of the region’s existing urban environment are effectively excluded.
- It is not possible from Change 1 to determine what a “low-emission” and “climate-resilient” region means (and therefore it is unclear what the objective is trying to achieve). Nor can I determine how this is to be measured and by whom. I consider that the lack of definition of these terms is a barrier to effective and efficient implementation. In my opinion this risks inconsistency in implementation across the region.
- Policy CC.4 relies on an understanding of what a climate-resilient urban area is since it is not defined. While the explanation to the policy sets out what is intended by a climate-resilient urban area, this description is unclear and lacks the necessary certainty for regulatory controls in RMA plans. For example, it is unclear what is meant by “withstand” as used in this context, how this is to be measured and how it will be known when urban environments have been created that can withstand the conditions listed in the explanation. Further, it is generally accepted that explanations cannot be relied upon when implementing objectives and policies, and that the objectives and policies need to provide clear direction themselves without the need for explanation.
- There is a question over what the appropriate role of resource management plans is in achieving the outcomes in Objective CC.1 given other statutes and regulations such as the Building Code which may also play a role in achieving the outcomes. I

would also note other possible mechanisms in this matter such as any three water policies under the new Three Water entities; and management of public spaces<sup>5</sup> such as transport corridors, and parks and reserves. In my opinion, Change 1 needs to clearly articulate the role of resource management plans in a way that recognises the role of other statutes and regulations in realising the goals of Objective CC.1<sup>6</sup>. It is also important that district plans do not duplicate other regulations<sup>7</sup> and would note s18A of the RMA which requires:

*Every person exercising powers and performing functions under this Act must take all practicable steps to—*

*(a) use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions or powers being performed or exercised; and*

*(b) ensure that policy statements and plans—*

*i. include only those matters relevant to the purpose of this Act; and*

*ii. are worded in a way that is clear and concise; and*

*(c) promote collaboration between or among local authorities on their common resource management issues.*

#### **Objective 12:**

*Natural and physical resources of the region are managed in a way that prioritises:*

*(a) first, the health and well-being of water bodies and freshwater ecosystems*

*(b) second, the health needs of people (such as drinking water)*

*(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future; and*

*Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders in the management of*

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<sup>5</sup> For example, in relation to tree planting or stormwater management.

<sup>6</sup> For example, B1.3.3 to the Building Regulations 1992 requires account to be taken of wind, snow, temperature and fire where likely to affect the stability of buildings.

<sup>7</sup> Ibid



*freshwater, and these principles inform this RPS and its implementation.  
The six principles are:*

*(a) Mana whakahaere: the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater*

*(b) Kaitiakitanga: the obligation of tangata whenua to preserve, restore, enhance, and sustainably use freshwater for the benefit of present and future generations*

*(c) Manaakitanga: the process by which tangata whenua show respect, generosity, and care for freshwater and for others*

*(d) Governance: the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future*

*(e) Stewardship: the obligation of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations, and*

*(f) Care and respect: the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.*

*And the Statements of Kahungunu ki Wairarapa and Rangitāne o Wairarapa*

**Policy 15:**

*Regional and district plans shall include policies, rules and/or methods that control earthworks and vegetation disturbance to the extent necessary to achieve the target attribute states for water bodies and freshwater ecosystems including the effects of these activities on the life-supporting capacity of soils, and to provide for mana whenua / tangata whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga.*

20 The submission from PCC commented that the first part of objective 12 simply repeats the National Policy Statement for Freshwater Management 2020 (“NPS-FM”) and as such adds no value to the RPS. The submission stated that the objective should articulate what outcomes are sought for the Wellington Region and noted that it is not necessary or consistent with best practice plan making to repeat what is

already in higher order documents (including the RMA itself). An RPS should elaborate on national direction by providing direction at and for a regional and sub-regional level / context. Further, PCC's submission was concerned that the objective was too long and unwieldy.

21 The submission also stated that it was unclear as to the intent of the mana whenua statements referenced at the end of Objective 12, and their intended legal status. For example, are they intended to be objectives in their own right? The submission noted that more clarity is needed. It also noted:

- That the statements contained many objectives and policies within them, which would each need to be examined in terms of being measurable, achievable, realistic and relevant, effective and within scope of the RMA; and that
- It was unclear what status the policies in the mana whenua statements had in respect to being referred to as being objectives. The submission noted that the current framing for the objective was likely to result in considerable confusion in trying to give effect to it.

22 I agree with the above concerns and would note the following additional issues about the ability to implement these provisions efficiently and effectively:

- The second part of Objective 12 consists of the six principles of Te Mana o te Wai. It reads simply as a list of principles and is not framed as an objective; in that it does not express an outcome and its relationship to the first part of the objective is unclear.
- Policy 15 requires district plans to manage water bodies and the aquatic ecosystem health and risks a duplication of controls with regional plans. It also appears to require district plans to include water quality provisions that would need territorial authorities

to have regional council expertise and undertake regional council functions under section 30 of the RMA.

- There is a lack of clarity in Policy 15 as to what it is trying to achieve given the potential duplication referred to above and I would additionally note it is unclear whether a transfer of functions under s33 of the RMA is in fact intended. If that is the intention then it needs to be clearly identified in the RPS and a formal transfer of powers under s33 of the RMA needs to occur. I am not aware that the process steps, required by section 33 of the RMA to enable the formal transfer of functions, have been completed.
- District plans can only manage the use, development, and subdivision of land. To ensure there is certainty in its application, I consider that Policy 15 should be split into two policies so it is clear what regional plans and district plans should cover respectively. Otherwise, it risks duplications. For example, I would note that Rule 101 from the proposed Natural Resources Plan already controls all earthworks and makes them a permitted activity where they amount to less than 3000m<sup>2</sup> per property per 12 month period and<sup>8</sup>:

*(a) soil or debris from earthworks is not placed where it can enter a surface water body or the coastal marine area, and*

*(b) earthworks will not create or contribute to instability or subsidence of a slope or another land surface at or beyond the boundary of the property where the earthworks occurs, and*

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<sup>8</sup> Earthworks which do not comply with the permitted activity standards are a discretionary activity.

*(c) any earthworks shall not, after the zone of reasonable mixing, result in any of the following effects in receiving waters:*

*(i) the production of conspicuous oil or grease films, scums of foams, or floatable or suspended materials, or*

*(ii) any conspicuous change in colour or visual clarity, or*

*(iii) any emission of objectionable odour, or*

*(iv) the rendering of fresh water unsuitable for consumption by animals, or*

*(v) any significant adverse effect on aquatic life, and*

*(d) earthworks shall not occur within 5m of a surface water body except for earthworks undertaken in association with Rules R122, R125, R126, R127, R128, R130, R131, R132, R134, R137 and R139, and activities permitted by Rule R114 or Rule R115.*

*(e) work areas are stabilised within six months after the completion of the earthworks.*

It is necessary that Policy 15 provide clear direction to district plans to avoid duplication of the above regional plan rule example in relation to adverse effects of earthworks on water bodies and freshwater ecosystems.

- The last part of Policy 15 provides no additional guidance over and above s6(e) of the RMA. The policy should provide clearer direction as to what providing for mana whenua and their relationship means in respect of earthworks and vegetation disturbance, at a regional or even district level.

23 I have identified above, using PCC's submission, significant issues with two objectives and two of their associated policies. The submission illustrates the concerns I have in relation to the ability to implement Change 1 provisions efficiently and effectively through the district plan. These examples also illustrate examples of where Change 1:

- Fails to recognise the role of other statutes and regulations in achieving the Change 1 outcomes;
- Creates duplications with the above controls and between district plans and regional plans;
- Appears to transfer s30 functions to territorial authorities without going through the necessary statutory process under s33 of the RMA; and
- Includes outcomes that are broader than the RPS, which raises clear issues as to the potential effectiveness of the proposed RPS.

#### **Structure of RPS**

24 Change 1 introduces Objective A into the RPS framework. It is described as the overarching resource management objective for the Wellington Region. The s32 evaluation for Change 1 describes the intent of this objective as<sup>9</sup>:

*The intent of this new objective is to provide greater clarity and direction to the Regional Council and Territorial Authorities about what is meant by integrated management of natural resources, as well as recognising importance of Te Ao Māori and Mātauranga Māori in natural resources management and decision making.*

25 It is not clear whether Objective A is intended to provide a higher order objective that sets the direction for the RPS, and which all topic-based objectives and policies must then implement. In other words, it is not

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<sup>9</sup> Page 60

clear, from the drafting of Change 1, whether an internal hierarchy of objectives is created or not.

26 Furthermore, I have reviewed the User Guide to the RPS and can find no guidance on this matter. The absence of any clarification raises the following issues, namely whether:

- Lower order RMA plans (i.e. regional and district plans) need only give effect to the topic based objectives and policies, the assumption being that in so doing they will implement Objective A, or do they also need to reconcile and give effect to the direction in Objective A alongside all other objectives; and
- If there are tensions between topic based objectives, do territorial authorities look “upwards” to Objective A to guide how a council is to give effect to the RPS in its district plans.

27 In addition, I am also unclear on where and how topic based objectives provide direction on reconciling tensions between differing outcomes. In my experience, unless stated otherwise, objectives are to be read together with no objective having primacy over another except as derived by the context of a particular situation. Where an objective or outcome is to have primacy over others then this would need to be clearly articulated in the objectives themselves and/or in the way objectives are structured.

28 Without this clear articulation or structuring, confusion and inconsistency is likely to arise when district and regional plans are amended to give effect to the RPS. An example is whether Objective 12 (health and wellbeing of freshwater bodies) has primacy over Objective 22 (urban development) and Objective 22A (housing bottom lines).

29 In my opinion, a key role of an RPS is to reconcile for the region, potentially competing policy outcomes as set out in national direction, such as the NPS-UD and the NPS-FM. Paragraph 58 of the s32 evaluation

states that Change 1 is intended to set clear direction to territorial authorities to enable urban development in locations that prioritise the health of water bodies, but this does not appear to have been clearly translated into the RPS framework.

### **National Policy Statement on Urban Development**

30 A primary driver<sup>10</sup> for the promulgation of Change 1 is stated to be the NPS-UD. However, in my opinion Change 1 is negatively framed in relation to urban development and fails to recognise the social, economic, and cultural wellbeing benefits of urban development. I also consider that Change 1 fails to recognise the opportunities created by new urban development to address matters such as reducing greenhouse gas emissions. For example, new urban development provides opportunities to:

- Replace older, poorly insulated and energy inefficient buildings with new ones built to higher insulation and energy efficiency standards; and
- Increase the number of people who live in, and more businesses and community services to be located in centres such as the city centre, and other areas of the urban environment well served by active and public transport<sup>11</sup>, thereby creating transport mode choice and opportunities to reduce car use.

31 This negative framing of Change 1 is apparent in the identification of the overarching resource management issues for the Wellington Region which states that “development will place additional pressure on the natural and built environment” and that poorly managed urban and rural activities have, “damaged and continue to impact on the natural

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<sup>10</sup> See Section 42A Hearing Report Hearing Stream 1 Topic: S42A Overview Report

<sup>11</sup> As required by Objective 3 to NPS-UD

environment”. Nowhere in the resource management issues and the objectives and policies introduced by Change 1 have the benefits and opportunities provided by urban development been recognised.

32 In my opinion, giving effect to the NPS-UD requires the RPS to recognise and provide for the benefits of urban development while safeguarding against the inappropriate and poorly managed use of natural and physical resources. Placing unnecessary regulatory barriers to new urban development will simply promote the status quo and a legacy built environment. It will not realise the opportunities urban development creates to address key resource management issues such as climate change mitigation and adaptation and reducing greenhouse gas emissions.

33 This matter is also more than the sum of housing development capacity which Change 1 seems to focus on in relation to the NPS-UD. For example, the S32 evaluation report states that the intent of new Objective 22 (urban development) is:

1. *The Wellington Region lacks sufficient, affordable and quality (including healthy) housing supply and choice to meet current demand, the needs of projected population growth and the changing needs of our diverse communities. There is a lack of variety of housing types, including papakāinga. Housing affordability has declined significantly over the last decade, causing severe financial difficulty for many lower-income households, leaving some with insufficient income to provide for their basic needs and well-being. There is a lack of supporting infrastructure to enable the development of sufficient housing and ensure quality urban environments.*

2. *Inappropriate and poorly managed urban land use and activities in the Wellington region have damaged, and continue to jeopardise, the natural environment, degrade ecosystems, particularly aquatic ecosystems, and increased the exposure of communities to the impacts of climate change and natural hazards. This has adversely affected mana whenua / tangata*



*whenua and their relationship with their culture, land, water, sites, wāhi tapu and other taonga*

34 This illustrates how Change 1 frames urban development as simply a housing land supply matter and an activity that gives rise to a range of adverse effects on the natural environment. I consider that the RPS needs to take a more balanced approach to resource management issues in the Wellington region, including enabling urban development in appropriate locations.

### **Introduction of new methods and concepts**

35 I agree with the concern expressed in PCC's submission [S30.0118] that new requirement, some unfamiliar in the resource management field<sup>12</sup>, are introduced by Change 1 where there is no capability to support the changes that will be required at a district level to give effect to the RPS as amended by Change 1. In other words, I consider that territorial authorities, users of district plans, and other stakeholders do not necessarily have capability or experience to understand and implement these requirements. Examples of these include whole of life carbon assessment<sup>13</sup> and the requirement for territorial authorities to assess the potential discharge of contaminants against desired attribute states of water<sup>14</sup>.

36 In her s42A report, Ms Jenkins notes that national direction is often released, and regional and district/city councils must respond, whether they have the capacity and capability or not<sup>15</sup>. The report notes the recent examples of the NPS-UD and the NPS-FM. The s42A report also notes that the Council's RPS policy team have advised that there will be

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<sup>12</sup> Such as whole of life carbon assessments

<sup>13</sup> Required by Policy CC.11

<sup>14</sup> Required by Policy 15 and Policy 41

<sup>15</sup> Paragraph 199.

discussions between the Council and the Region's territorial authorities about the best way to implement new requirements.

37 I agree with Ms Jenkins that Councils such as PCC often have to and indeed has, respond to changes in policy direction from higher order plans. However, I would respectively point out that in the case of the NPS-UD, a range of guidance on its implementation was published by Ministry for the Environment<sup>16</sup>. Implementation timeframes<sup>17</sup> were also provided, for example two years was provided for the implementation of the urban intensification requirements from the time the NPS-UD was operative.

38 Under s104(1)(b)(v) regard must be had to proposed Regional Policy Statements in the consideration of resource consents and under s74(2)(a), regard must be had by the territorial authority to a proposed Regional Policy Statement when preparing or changing a district plan. In other words, regard must already be had by consent authorities and territorial authorities in relation to Change 1.

39 In my opinion, where the RPS directs new methods not familiar in the resource management field or where they require territorial authorities to take on functions new to them, then such provisions should be subject to appropriate implementation timeframes and supported by agreed methodologies and processes. These can then be included in district plans where appropriate.

### **30<sup>th</sup> June 2025 implementation timeframe**

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<sup>16</sup> For example, *Guidance on Housing and Business Development Capacity Assessment under the National Policy Statement on Urban Development*, and *Understanding and implementing intensification provisions for the National Policy Statement on Urban Development*.

<sup>17</sup> See Part 4 of NPS-UD

40 Policies CC.2, CC.3, Policy 23, and Policy 24 require the following actions by the 30<sup>th</sup> June 2025:

- district plans are to include objectives, policies and rules that require subdivision, use and development consent applicants to provide travel demand management plans; and
- district plans shall include objectives, policies, rules and methods that enable infrastructure that supports the uptake of zero and low-carbon multi modal transport that contribute to reducing greenhouse gas emissions; and
- district plans shall identify and evaluate indigenous ecosystems and habitats with significant indigenous biodiversity values; and
- district plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development

41 I also acknowledge that these will be the subject of later hearing streams. My purpose in raising this matter here is, therefore, to highlight the difficulties these implementation timeframes will cause to PCC and likely confusion to the community given that the Porirua PDP has now reached deliberation stage by the Hearing Panel.

42 In response to the last two directions noted above, it appears that PCC may be required to undertake further work to identify areas of significant indigenous biodiversity. Having been involved in the development of the PDP since 2017, I am aware that it has taken many years in the making at considerable cost and has included numerous community workshops and engagement exercises, the commissioning of a large number of technical and expert reports, and engagement with landowners in relation to topics such as significant indigenous biodiversity and natural hazard risk. The PDP includes a large number of Significant Natural Areas (“SNA”) on both public and private land. SNA

cover 17% of Porirua’s land area, and some 1500 individual properties<sup>18</sup>. In my opinion to have to undertake this work again (by 30<sup>th</sup> June 2025), on a first principles basis, is onerous and likely to be confusing for the community and landowners.

43 It is also unclear how the implementation date of 30<sup>th</sup> June 2025 has been derived. I consider that date to be unrealistic given the need to undertake appropriate community and landowner engagement on these topics, as well as any associated technical work. In my experience, identifying and evaluating indigenous biodiversity, and then subsequently developing a policy framework for its protection, is a lengthy, complex, and often contentious process. It is also inefficient to place this type of requirement on district councils in advance of the NPS-IB, particularly in an election year where changes in national direction could arise<sup>19</sup>.

**S42A Recommendations**

44 The Section 42A Hearing Report Hearing Stream 1 Topic: General Submissions, identifies eight submission points from PCC, which I summarise in the table below (together with the S42A report author’s recommendation for each:

<b>Submission</b>	<b>Relief sought</b>	<b>S42A recommendation</b>
S30.0114	Council considers that the provisions need a major overhaul and redrafting	No decision required
S30.0115	We request that GWRC immediately commence a variation to Proposed Change 1, and meaningfully	Reject

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<sup>18</sup> Proposed Porirua District Plan Officer’s Report: Part B - Ecosystems and Indigenous Biodiversity

<sup>19</sup> I would also note, that this is occurring with context of the wider RMA reforms and could add additional complexity if the reforms include transitional provisions.

Submission	Relief sought	S42A recommendation
	engage and work with the territorial authorities on the redrafting of the provisions. Doing so will avoid litigation through appeals and subsequent plan and consent processes.	
S30.0118	Significant guidance and implementation support would be needed before some provisions can be implemented.	No decision required
S30.0119	Council seeks that more thought be given to how these various overlapping processes align, and the implications of a significant change to regional policy at this time.	No decision required
S30.0120	In addition to the relief sought as set out in our submission, as outlined above Council considers that the best course of action would be to withdraw much of Proposed Change 1, or otherwise work with councils on a variation to significantly amend most of its contents.	Reject
S30.0121	The objectives collectively need to be reviewed to ensure they are both achievable and realistic.	No decision required
S30.0122	Not stated  (Council considers that there is a lack of an evidence base to support the approach taken to most topics in Proposed Change 1. The Section 32 evaluation report does not adequately assess	Accept in part

Submission	Relief sought	S42A recommendation
	the approach, nor assess costs and benefits) <sup>20</sup>	
S30.0123	Not stated  (Council opposes all "consideration" policies since they often duplicate or conflict with "regulatory" policies and represent regulatory overreach without sufficient s32 evaluation or other evidence. We consider that they will create unnecessary regulatory costs due to the way they are drafted. They assume a level of knowledge and expertise on a range of matters generally not available to consent authorities, and in some cases represent a transfer of s31 functions to territorial authorities.) <sup>21</sup>	No decision required

45 The recommendation for four of the submission points is, “no decision required” with the reporting officer considering that these submission points are summary statements and that subsequent hearing streams will address the more detailed submission points.

46 I disagree that a recommendation of, “no decision required” is recorded for these submission points. Having been identified as submission points within their own right, a decision will need to be made on them by the Hearing Panels. More importantly, I am concerned that this approach

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<sup>20</sup> Reason listed in Appendix 1 to Section 42A Hearing Report Hearing Stream 1 Topic: General Submissions

<sup>21</sup> Ibid

fails to address the issue of the need for Change 1 to provide a coherent framework of objectives and policies that align vertically and horizontally. As such, when the more detailed topic based submissions are addressed in subsequent hearings, it is important that this is done in way that is cognisant of how these will work collectively with the other objectives and policies.

47 In my opinion, the recommendation for these submissions should either be:

- “Accept in part”. This is insofar as they identify that assessment and recommendations against individual objectives or policies where PCC seeks their deletion or amendment will be undertaken later in subsequent topic based reports; or
- That “no decision required” is recorded at this point but that it is identified that each submission point will be addressed in each subsequent topic based report given their overarching nature.

48 Submission point S30.0122 is recommended to be accepted in part, but the s42A report has not assessed this submission nor set out the basis for this recommendation. It is therefore difficult to understand the reasoning for the recommendation and why it differs from those where, “no decision required” is recommended.

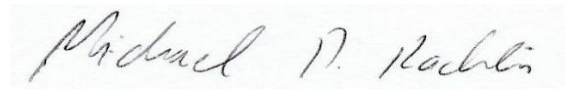
49 In relation to the two submission points recommended for rejection, I acknowledge that the relief sought, namely, to withdraw Change 1 or to instigate a variation is not within the powers available to the Hearing Panels. However, it remains that PCC’s submission has an overarching concern that the framework introduced by Change 1 is likely to require considerable amendment to ensure that it appropriately supports the direction of travel identified in relation to critical issues such as climate change, freshwater management, biodiversity, natural hazards and urban development.

**Conclusion**

50 I support the direction of travel promoted by Change 1 and agree that issues of climate change, freshwater management, biodiversity, natural hazards, and urban development are important resource management matters for the Wellington region. However, I have concerns regarding the execution of this direction of travel through the framework introduced by Change 1.

51 I consider that unless the matters identified above are addressed, there is the potential for inconsistent implementation of Change 1 across the region.

**Date:** 13/06/2023

  
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## Appendix A - Qualifications and Experience

I hold the following qualifications: A BA(Hons) in Town & Country Planning (University of Manchester, UK), a Bachelor of Planning (with Credit) in Town & Country Planning (University of Manchester, UK) and a MSc in Environmental Assessment and Management (Oxford Brookes University, UK). I am a Chartered Town Planner and have been a Member of the Royal Town Planning Institute (UK) since 1991.

I have 33 years' experience in working as a planner for local government and the Hertfordshire Constabulary (UK). My work experience includes, amongst other matters, the interpretation and application of Regional Policy, input into statutory processes under the Resource Management Act 1991, as well as policy formulation. This includes appearing at a number of hearings (plan changes and subdivision) providing expert planning evidence on urban growth and urban form, land use-transport integration and the management of natural hazard risk. I have also been involved in Environment Court mediation involving the management of natural hazard risk. I have been employed by the Porirua City Council since December 2017 as a Principal Policy Planner within the Environment and City Planning Team.

Before then, I was employed as a:

- Strategy and Policy Planner at Selwyn District Council and where I worked on their review of the Selwyn District plan from January 2016 to November 2017; and
- Principal Planner at the Canterbury Regional Council ("CRC") and where I was employed in their District Plan Liaison team from 2008 until March 2015. In this role I was responsible for working with the Greater Christchurch territorial authorities to implement the Canterbury Regional Policy Statement, provide input into the second generation Canterbury Regional Policy Statement and Chapter 6 to the Canterbury

RPS (Recovery and Rebuilding of Greater Christchurch), input into the Land Use Recovery Plan 2013<sup>22</sup>, as well as promulgating a change to the Canterbury Regional Policy Statement in accordance with the Land Use Recovery Plan. I was also the regional council's representative on the Collaborative Advisory Group set up to assist Christchurch City Council in the development of their post-earthquake replacement district plan.

Before joining the Canterbury Regional Council in 2008, I held a number of positions, including as a Principal Planner and a team leader (consents), for various district councils in the UK. I was also employed by the Hertfordshire Police Authority as their Planning Obligations Manager, a post which involved seeking improved integration between land use planning and delivery of policing service and police infrastructure in district plans.

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<sup>22</sup> The Land Use Recovery Plan 2013 (LURP) is a statutory document prepared under the Canterbury Earthquake Recovery Act 2011 it took effect in December 2013